

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 16,747  
 )  
Appeal of )

## INTRODUCTION

The petitioner appeals the decision by the Department of Aging and Disabilities (DAD) Division of Vocational Rehabilitation assigning him a different vocational rehabilitation counselor. The issue is whether the petitioner's dispute with the Department is outside the jurisdiction of the Human Services Board.

## DISCUSSION

The petitioner, who is disabled, has been a client of the Division of Vocational Rehabilitation off and on for nearly 30 years and has received extensive services during that time. He was most recently found eligible for services in December 1999. At a meeting held with several representatives of the Department in September 2000 the petitioner voiced concerns with the suggestion his vocational counselor had made regarding his need for mental health counseling. One of the results of this meeting was that the Department assigned another counselor to his case.

The petitioner has not cited any law or regulation he feels the Department has violated. Nor does he allege that the change in counselors has in any way affected either the

availability or his receipt of services from the Department. At his hearing, held on December 20, 2000, he listed a lengthy history of complaints about his former counselor. Incongruously, however, he stated that he wanted her reassigned to his case and for her to be compelled to "acknowledge his strengths".

ORDER

The petitioner's appeal is dismissed for lack of subject matter jurisdiction.

REASONS

As noted above, there is no allegation in this matter that the petitioner has suffered any loss in benefits or services from the Department stemming from its decision to assign another vocational counselor to his case.

3 V.S.A. § 3091(a) provides as follows:

An applicant for or a recipient of assistance, benefits or social services from the department of social and rehabilitation services, the department of social welfare, the office of economic opportunity, the department of aging and disabilities, the office of child support, or an applicant for a license from one of those departments or offices, or a licensee, may file a request for a fair hearing with the human services board. An opportunity for a fair hearing will be granted to any individual requesting a hearing because his or her claim for assistance, benefits or services is denied, or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other agency action affecting his or her receipt of assistance, benefits or services, or license or license application; or because the individual is aggrieved by agency policy as it affects his or her situation.

The Board has consistently held that in the absence of any claim of lost or withheld benefits or services, the assignment of caseworkers to specific clients by the above departments is an internal matter for the agency beyond the scope of the Board's consideration under the above statute. See, e.g., Fair Hearing Nos. 15,218; 13,245; 13,063, and 12,994. In this case, other than an expressed desire to have his former worker change her attitude toward him, the petitioner has not alleged any deleterious affect a change of counselors will have on his situation vis-à-vis his relationship with the Department. Therefore, it cannot be concluded that he has stated a claim against the agency over which the Board can assume jurisdiction. For this reason his appeal is dismissed.

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